



Sarah Allison Thornton
CLERK OF COURT

May 17, 2005

Edwin Rodriguez
#25124-038
FCI-Schuylkill
P.O. Box 759
Minersville, PA 17954

Dear Mr. Rodriguez:

The Clerk's Office received your letters requesting a free copy of your sentencing transcript and your Judgment and Commitment papers in CR 04-10083-NG.

You do not appear to qualify for a free transcript of your sentencing hearing. Title 28 U.S.C. § 1915(c) authorizes the Court to waive the cost of the printing of documents in certain situations. 28 U.S.C. § 1915(c). If a litigant has not already been deemed indigent by the Court, he or she must file an affidavit that includes a statement of assets on the form required by the Court. Id. Next, the Court must determine that one of the circumstances listed in § 1915(c) exists. Section 1915(c) provides:

[T]he court may direct payment by the United States of the expenses of (1) printing the record on appeal in any civil or criminal case, if such printing is required by the appellate court; (2) preparing a transcript of proceedings before a United States magistrate in any civil or criminal case, if such transcript is required by the district court, in the case of proceedings conducted under section 636(b) of this title or under section 3401(b) of title 18, United States Code and (3) printing the record on appeal if such printing is required by the appellate court, in the case of proceedings conducted pursuant to section 636(c) of this title.

28 U.S.C. § 1915(c) (emphasis added). Based on the above, it does not appear that you qualify for free transcripts at this time.

However, if you have not already done so, you may wish to try and obtain a copy through your defense counsel. You do not indicate whether you have attempted to get the transcript through counsel, but that may be the most expeditious route.

You also may wish to contact the court reporter directly in order to request a copy of the transcript. The docket reflects the reporter was Valerie O'Hara. You may also contact Debbie Scalfani, the Court Reporter Supervisor, by mail directed to her in the District Court Clerk's Office or you may call her at 617-748-9167 for more information.

With respect to any other document contained in the court record, unless you are authorized to receive free copies, the Customer Service Department of the Clerk's Office can provide you with copies for a fee of \$.50 per page. If the record has been removed from the Court's records room and placed in storage, a retrieval fee of \$35 also will be charged.

I hope that this letter addresses your concerns.

Very truly yours,

/s/ JENNIFER FILO
Deputy Clerk
United States District Court
District of Massachusetts